

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 6879 OF 2003

DATED: 31.12.2007

Between:

The APSRTC, represented by its
Managing Director and another

... Petitioners

and

V. Rama Raju (died) per Legal
Representatives

... Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 6879 OF 2003

ORAL ORDER:

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This is a writ petition filed by the A.P. State Road Transport Corporation ('the Management' for short), against the Award dated 18.7.2002 in I.D.No. 249/96 of the Labour Court, Guntur.

By the said Award, the Labour Court had invalidated the order dated 8.12.1992, removing the 1st respondent-workman herein ('the workman' for short) from service, pursuant to a purported disciplinary inquiry, for unauthorized absence. The Labour Court held that the Management had erroneously recorded the conclusion of unauthorized absence. Without evaluating the genuineness of the medical certificate presented by the workman, in support of his absence, the charge of unauthorized absence could not be established and there was probative evidence to support the conclusion. Regarding another charge of irregular attendance, the Labour Court held that there was no evidence in support of that charge either, and therefore none of the charges are established and the order of removal was unsustainable. Consequently, the Management was

directed to reinstate the workman into duty with continuity of service and back wages, from the date of termination to the date of the Award.

When the writ petition is taken up for hearing, the learned counsel for the respective parties have submitted that both parties want to compose their disputes in the matter. Sri C. Prakash Reddy, the learned Standing Counsel for the Management submits that the issue has been considered by the Corporation and it has been decided to award 50% back wages to the legal representatives of the workman (respondents 2 to 4) for the period from the date of termination i.e., 8.12.1992 till the date of the Award of the Labour Court i.e., 18.7.2002. The Management has graciously taken this decision in view of the fact that the workman has died pending the writ petition, on 18.3.2007. The learned counsel for the respondents 2 to 4 (the legal representatives of the deceased-workman), has agreed, on instructions from his clients, to the aforesaid offer of the Management.

In the circumstances, the writ petition is disposed of recording the agreement between the parties that the Management shall within two weeks from the date of receipt of a copy of this order, pay to the respondents 2 to 4, 50% of the back wages due and payable to the workman from 8.12.1992 till the date of the Award i.e., 18.7.2002. The respondents 2 to 4 (legal representatives of the deceased-workman) shall also be entitled to any other terminal benefits (which could be computed in monetary terms) due and payable to the deceased-workman, in view of the Award of the Labour Court, which has declared the penal termination of the workman to be invalid. This component (of the monetary aspect of the terminal benefits) shall also

be paid to the respondents 2 to 4 and within a period of 4 weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

GODA RAGHURAM, J

Date: 31.12.2007

Note: CC as soon as possible.

Bo cvm